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SEP 22 2009

Application No. 10/593, 172  
Amdt. dated Sept. 22, 2009  
Reply to Notice of Non-Compliant Amendment of 09/08/09

**AMENDMENTS TO THE CLAIMS :**

This listing of the claims will replace all prior versions, and listings, of the claims in the application:

**Listing of Claims** (As of September 22, 2009)

1. (Canceled)
2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (Canceled)

6. (Currently amended) An oral device comprising:

a mouthpiece member, the mouthpiece member being of a resilient material and compliant to the contours of the teeth of the wearer;

a tube member, the tube member being affixed at a first (anterior) end, to the mouthpiece member and extending rearward towards the oral cavity of the wearer;

a palate member, adapted to be adjustable in length independently of any other element, the palate member extending from a second (posterior) end of the tube member and then angled upwards ending with a declined portion which maintains contact with the soft palate of the wearer, the second end of the tube member being opposite the first end of the tube member; and

an attachment member, the attachment member being attached to the mouthpiece in at least one location;

whereby the tube member defines an opening which allows for the free transfer of air between the oral cavity of the wearer and the environment.

7. (Canceled)

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8. (Canceled)

9. (Canceled)

10. (Canceled)

11. (Canceled)

12. (Currently Amended). An oral device comprising:

a mouthpiece member, the mouthpiece member being of a resilient material and compliant to the contours of the teeth of the wearer;

a tube member, the tube member being affixed to the mouthpiece member and extending rearward towards the oral cavity of the wearer;

a soft palate member having a first (anterior) and second (posterior) end, the first end of the soft palate member extending rearward from a second end of the tube member and operable, independently of the tongue member, to maintain upward pressure against the soft palate of the wearer, the second end of the soft palate member having a declined portion;

a tongue member, the tongue member extending rearward from the second end of the tube member and operable, independently of the palate member, to maintain downward pressure against the tongue of the wearer;

and an attachment member, the attachment member being attached to the mouthpiece member in at least one location and operable to secure the oral device within the oral cavity of the wearer;

whereby the tube member defines an opening, the opening allowing for the free transfer of air between the oral cavity of the wearer and the environment.

13. (Canceled)

14. (Canceled)

15. (Currently Amended) The oral device of claim 12 wherein the soft palate member extends rearward past the teeth of the wearer and through the oral cavity of the wearer, and is adapted to be adjustable in length so as to engage and lift the soft palate.

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16. (Currently Amended) The oral device of claim 12 wherein the tongue member adapted to be adjustable in length so as to extend rearward past the teeth of the wearer, along the top of the tongue of the wearer, then curved downwards to maintain contact with he tongue of the wearer.

17. (As Previously Presented) The oral device of claim 12 wherein the attachment member is comprised of a resilient material.

18. (Canceled)

19. (Canceled)

20. (Canceled)